

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of )

)

Annual Assessment of the Status of )

MB Docket No. 12-203

Competition in the Market for the )

Delivery of Video Programming )

COMMENTS OF:

KMVT Community Television 15 submits these comments in response to the above-captioned Notice of Inquiry (NOI), released July 20, 2012, seeking data, information, and comment on the state of competition in the delivery of video programming.

COMMENTS OF:

Mountain View Community Television -d.b.a (KMVT Community Television 15)

KMVT Community Television 15 is an independent non-profit 501(c)(3) organization that runs the community television and media center for the communities of Mountain View, Los Altos, Cupertino.

We also provide local government transparency and management of the local government channels 26 for Sunnyvale and Foster City.

KMVT Community Television has been serving the community since the late 70's. We are dedicated to providing equipment, training and air time to residents of Silicon Valley for the purpose of building community, empowerment and ensuring First Amendment expression through digital media. We provide youth training in all forms of digital media and access to media and technology tools, for all ages. We are in the process of setting up job training programs for unemployed and Veterans.

We currently provide a wide variety of training opportunities for the local community and nonprofit organizations, internship as well as summer youth camps. We also are the only local conduit for providing Live local election and government coverage. We provide additional training and programming to the schools, nonprofits and the public safety sector.

1. Channels: Comcast provides the use of ten (10) channels throughout Mountain View, Cupertino, Los Altos, Sunnyvale and Foster City (channel 15 public channels and Channel 26 government channels). The cable channels are managed by KMVT and the Cities themselves .

2. These channels are placed on the lowest tier of cable provided utilizing traditional analog transmission. If residents only have analog television sets they are required to have a digital converter box to receive this basic service. Which many times leave out the senior or disadvantaged

populations and the channels don't receive the same quality of transmission.

Comcast currently carries the same number of PEG channels as in June 2010.

#### AT&T Channels:

AT&T was granted a statewide franchise in California in 2007 at which time they began providing Mountain View, California its services and by the end of 2007, all of our PEG Channels were being provided as video streams on a sub par menu on U-verse Channel 99.

AT&T is now offering U-verse to the other cities in our service area. AT&T's PEG channels do not appear on the basic tier. On AT&T's U-verse Channel 99, subscribers must scroll through multiple pages listing the many cities located in the greater San Francisco Bay Area in alphabetical order. In a sub menu under each city the individual local PEG channels are listed. There are hundreds of PEG channels buried in sub menus of U-verse Channel 99.

The California Public Utilities Commission PUC 5870(g)(3) states: the PEG signal shall be receivable by all subscribers, whether they receive digital or analog service, or a combination thereof, without the need for any equipment other than the equipment necessary to receive the lowest cost tier of service. The PEG access capacity provided shall be of similar quality and functionality to that offered by commercial channels on the lowest cost tier of service unless the signal is provided to the holder at a lower quality or with less functionality. The following consumer complaints about PEG accessibility have been brought to the California Public Utilities Commission:

- AT&T does not use the same channel numbers as incumbent providers for PEG channel access.
- AT&T's video signal quality for PEG channels is not similar to commercial stations. Also due, to shared bandwidth
- AT&T does not provide access to uplinks, has to utilize Comcast system in order to provide live uplink coverage (i.e. I-net)
- AT&T's PEG channels cannot transmit Emergency Alert System (EAS) broadcast messages.
- AT&T's PEG channel functionality is not similar commercial stations:
  1. Subscribers are unable to toggle between commercial and PEG channels.
  2. Subscribers are unable to record a PEG program automatically by setting the DVR or external VCR/DVD recorder to begin recording at a designated time (as is possible with the commercial channels), i.e. the viewer must be present at the time of recording to manually launch the PEG channel to begin the recording on an external recording device.
  3. Subscribers that are hearing impaired are unable to view PEG programming in closed caption (CC). AT&T proposes open captioning which treats captions differently than on commercial channels, i.e. the captions cannot be switched off by the viewer and would obscure visual information such as slides used in distance-learning.
  4. Subscribers cannot enter individual PEG channel numbers in a remote control.
  5. Subscribers are unable to access PEG channels seamlessly; it takes a five-step process to load

and access the desired channel.

6. Subscribers are unable to do picture in picture

7. Subscribers do not see a program guide.

#### High Definition Equipment:

KMVT is working towards investing in High Definition equipment while working within our community to provide access to services that assist its residents through the digital divide we are currently dealing with in multiple California communities.

Comcast nor AT&T has signaled any intention to provide us with High Definition channels or even a menu listing.

Consequently, we are stuck in a new digital technology era which should be a positive but has left us with equipment that is becoming outdated to the user (OLD analog) and falling apart, leaving a financial burden on many PEG access centers to bare the financial burden of replacement costs of our analog equipment that is becoming harder each day to find and more expensive to replace than new technologies.

PEG programming has grown over the years in providing training, viewership, expansion of services and relevance to our communities. Viewership can be a challenge though within our AT&T U Verse and Comcast Communities due to the lack of consumers being able to find specific programming(menu listings), non Video on Demand options, lack of quality that is transmitted from the cable subscribers head end, not assessable on all TV's due to new digital laws, communities not being fully wired to receive cable signals. It used to be you wanted to be at a low numbered channel and folks watched. Now with the era of DVR's, menu based cable television and streaming capabilities, consumers are watching TV in new ways and at their convenience. As a PEG station we have recognized the need to invest and become community media centers not just traditional television stations and the parameters are wide open with new digital technologies available for consuming and teaching media.

Also, the non capability of live uplinks(I-Net) around towns it makes it much more difficult if not impossible to go LIVE without expensive equipment that is just not in PEG budgets. With technology changing and streaming content becoming a delivery mechanism it is important to be able to provide this technology as any other commercial channel and at the same level of quality. Support for media consumption should be provided by similar unrestricted revenues to fund this public interest as generated by Internet providers and traffic over those same public lines. We are concerned by the move of some cable providers to designate that PEG fees should not be used for Internet purposes when these cable companies have not built out the cable systems in many communities, requiring viewers and media centers to use Internet for broader access to community media.

Overall, we rely upon our PEG channels to convey important public safety information, be the local news source in providing information during a disaster and encouraging diversity throughout our communities,(i.e. Public Service announcements, job openings, local contact info, school and emergency info). Folks in our community rely on our PEG channels to receive this information and watch shows produced by local volunteers that are providing value to our communities. It is also great exposure for our nonprofits. We provide Internships for students wanting to break into the field of media production.

When channels are less accessible for technical reasons, the PEG channels become a much less effective avenue for community communications. It is imperative for all of us to recognize the importance of our first amendment rights of Free Speech and how important it is to our communities to be providing an outlet that incorporates transparency in a time when anyone can become a media outlet.

We ask that the FCC recognize the tremendous value/need of diverse and essential local PEG programming and the need for federal policies that provide the transmission and resources to the community based on work s of PEG stations around the country. PEG channels are dedicated to providing digital literacy training, community partnerships and relations through media. Youth are inspired to learn more through the use of video technology and adults are provided valuable resources they would find no where else. (Workforce training, public safety information & support, local government & school board transparencies). We ask you to take a stand today and support PEG's.

Sincerely,

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